

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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DONALD RICHARD MCFADDEN,

Case No. 2:20-cv-00374-GMN-BNW

Petitioner,

ORDER

v.

BRIAN WILLIAMS, SR, et al.,

Respondents.

This court previously denied Donald Richard McFadden's motion for a stay and abeyance of his pro se 28 U.S.C. § 2254 habeas corpus petition. (ECF No. 21.) The court directed McFadden, within 30 days, to either inform this court in a sworn declaration that he wished to formally and forever abandon the unexhausted grounds for relief in his federal habeas petition and proceed on the exhausted grounds; or inform this court in a sworn declaration that he wished to dismiss this petition without prejudice in order to return to state court to exhaust his unexhausted claims. That order was served on McFadden at his address of record. See *id.* More than the allotted time has passed, and McFadden has not made his election or contacted the court in any way. Accordingly, this action is dismissed for failure to follow the court's order regarding the unexhausted grounds.

1 **IT IS THEREFORE ORDERED** that this action is **DISMISSED** without prejudice
2 for failure to follow the court's order.

3 **IT IS FURTHER ORDERED** that a certificate of appealability is denied.

4 **IT IS FURTHER ORDERED** that the Clerk of Court enter judgment accordingly
5 and close this case.

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7 DATED: 14 October 2022.

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11 GLORIA M. NAVARRO
12 UNITED STATES DISTRICT JUDGE
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